

Decision Record – Memorandum

Geotech for BLM-FHWA Red Rock Canyon NCA Scenic Drive Road Improvement Project

DOI-BLM-NV-S020-2013-0013-EA

Compliance

The Proposed Action is in compliance with the following:

- Clean Air Act of 1970 (as amended in 1977 and 1990). 42 USC 7401 et seq. PL 91-604; 42- USC 1857h-7 et seq.
- Clean Water Act of 1977 (as amended). 33 USC 1251-1387. PL 92-500.
- Endangered Species Act of 1973 (as amended). 16 USC 1531 et seq. PL 93-205.
- Executive Order 13112. 1999. Invasive Species. February 3.
- Federal Land Policy and Management Act of 1976 (43 U.S.C. §§ 1701 et seq.).
- Migratory Bird Treaty Act of 1918, as amended (16 USC 703 et seq.).
- National Environmental Policy Act of 1969 as amended. Public Law 91-190, 42 USC 4321-4347, Public Law 94-52, July 3, 1975, Public Law 94-83, August 9, 1975, and Public Law 97-258, § 4(b), Sept. 13, 1982.
- National Historic Preservation Act of 1966 as amended. 16 USC 470a et seq. 80 Stat. 915; PL 89-665.
- Federal Noxious Weed Act of 1975. Public Law 93-629. 7 USC 2801 et seq.; 88 Stat. 2148. January 3.
- Wild Free-Roaming Horses and Burros Act of 1971. PL 92-195
- Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107-282).
- Red Rock Canyon NCA Resource Management Plan, 2005.

Selected Action

It is my decision to approve the Geotech for U.S. Bureau of Land Management (BLM) - Federal Highway Administration Central Federal Lands Highway Division (FHWA-CFLHD) Red Rock Canyon National Conservation Area (NCA) Scenic Loop Drive Improvement Project.

The selected action is the Proposed Action as described in Environmental Assessment (EA) DOI-BLM-NV-S020-2013-0013-EA, dated 02/14/2014.

I have determined that the action will not result in significant impacts based analysis in the EA and attached Finding of No Significant Impact (FONSI). This action was selected over no action as it will analyze the geotechnical characteristics in the project area in accordance with any mitigating measures in the EA. It is my decision to authorize the geotechnical investigation.

The geotechnical investigation involves drilling of 39 pavement borings, and 9 bridge borings. A geophysical seismic survey will also be conducted.

Implementation of this proposed action may occur at anytime, provided that all minimization and mitigation measures described in the EA, and incorporated herein, are completed.

Compliance with NEPA:

The action has been analyzed within EA DOI-BLM-NV-S020-2013-0013-EA, dated 02/14/2014 and FONSI incorporated herein by this reference, will not have any significant impact on the human environment and the action does not require the preparation of an Environmental Impact Statement.

Public Involvement:

An internal review of this EA was conducted by BLM Southern Nevada District resource specialists; the completed document will be posted to the NEPA register web page. An informal public meeting was held for the project and Section 7 informal consultation was completed with the US Fish and Wildlife Service.

Rationale:

The proposed project is in conformance with the BLM Red Rock Canyon NCA Resource Management Plan (RMP) approved May 20, 2005. The Red Rock Canyon NCA RMP discusses road paving and improvements in multiple locations. In the Environmental Consequences section in which Paved Roads are discussed, it states "The proposed paving projects will benefit the recreating public by providing approximately 75 additional parking spaces around the Scenic Drive, reducing particulate matter in the air, providing smoother surfaces for highway design vehicles, and offering a shorter loop drive opportunity. The proposed action will support BLM staff with the designs of the Low Water Crossing Replacement Project and the Scenic Loop Drive and Parking Project

Appeal or Protest Opportunities:

This decision will take effect immediately upon the date it is signed by the Authorized Officer, 02/14/2014, and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals (IBLA) issues a stay. Any appeal of this decision must follow the procedures set forth in 43 CFR part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at the Bureau of Land Management, 4701 N Torrey Pines Drive, Las Vegas, NV 89130. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, and with the appropriate Office of the Regional Solicitor within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and,
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision form which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the appropriate Office of the Regional Solicitor, not later than 15 days after filing the document with the Authorized Officer and/or the IBLA.

Authorizing Official:

 Feb 14 2014
Mark Spencer Date
Red Rock/Sloan Field Office Manager

Contact Person

For additional information concerning this Finding, contact:

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